

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Hiroaki SUDO	Art Unit 2617
Appln. No.:	10/527,199	Exr. D. Herrera
Filed:	March 10, 2005	Conf. No. 2887
For:	CDMA TRANSMITTING APPARATUS AND CDMA RECEIVING APPARATUS	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the Notice of Non-Compliant Amendment under 37 CFR 1.121, dated July 2, 2008, attached is the Amendment submitted on December 18, 2007 with the proper status identifier, and a copy of the notice.

Respectfully submitted,

/James Edward Ledbetter/

Date: July 18, 2008

James E. Ledbetter  
Registration No. 28,732

JEL/jcw

Attorney Docket No. 009289-05110

DICKINSON WRIGHT, PLLC  
1901 L STREET, NW, Suite 800  
WASHINGTON, DC 20036  
Telephone: (202) 457-0160  
Facsimile: (202) 659-1559

DC 9289-5110 123778v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,199	03/10/2005	Hiroaki Sudo	L9289.05110	2887
34257	7590	07/02/2008		
STEVENS DAVIS LLP 1615 L STREET NW SUITE 850 WASHINGTON, DC 20036				
EXAMINER HERRERA, DIEGO D				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
07/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

*Non-Compliant Audit. (xrus. available)*

RESPONSE DUE 8-2-08

DOCKETED DATE 7-7-08

DATE 9/5

RECEIVED

JUL 07 2008

TICKETSON WRIGHT

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/527,199

Examiner

DIEGO HERRERA

Applicant(s)

SUDO, HIROAKI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 18 December 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Lester Kincaid/ SPE AU 2617

Legal Instruments Examiner (LIE), if applicable

Telephone No.



Continuation of 4(e) Other: claim 29 status identifier is not proper it states, "new, corresponding to original claim 9". Either claim 29 is new or claim 9 is not canceled, either way status identifier is not proper, correction is required.